IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION
On this 09th day of August 2004
Criminal Misc.2nd Bail Application No. 595/2004

Order on the bail application of accused

CRIMINAL SIDE

Mustqueem S/o Jahid
R/o Village Kamalpur
P.S. Fatehpur
District Sahranpur
District - Dehradun --Applicant

Vs.

State of Uttaranchal ---Respondent.

Arising out of Case Crime No. 115/2003(St No. 325/2003)
U/S 302 I.P.C.
P.S. Bhagwanpur
District Haridwar.

By the Court

Hon'ble Irshad Hussain, J.

Heard Sri Bipin Mohan Pingal, in brief for Sri Manish Arora, learned counsel for the applicant and Sri D.K. Sharma, learned Government Advocate and perused the record.

This is 2nd bail application. The first bail application was dismissed on merit, Considering the specific role of firing shot of fire-arm by the applicant-accused as a result of which the victim, his father-in-law died. The fresh ground taken is that the witnesses examined in the trial do not implicate the applicant-accused in the offence. The sessions trial is in progress and at this stage when the trial is at the concluding stage it will not be just and proper to make any appreciation of the evidence of the witnesses examined and therefore on this ground it can not be said that the applicant-accused is entitled to bail. The bail application is hereby dismissed.

(Irshad Hussain, J.)

Dt: 09-082004

ISB